IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 14665 of 2007(U)

PETITIONER:

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1. SRASWATHY, W/O.CHANDUKUTTY @ BABU,
NOW RESIDING AT PATTOM VEEDU, METHEL VEETIL,
KOTTOOLI AMSOM PARAYANCHERI DESOM OF
KOZHIKODE TALUK.

2. PARAKKAL THAZHATH CHANDUKUTTY @ BABU,
S/O.KORAN, -DO-.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VIVEK VARGHESE P.J.

RESPONDENTS:

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1. SECRETARY, CORPORATION OF CALICUT.

2. ASSISTANT ENGINEER,
OFFICE OF THE KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, PATTAMAN,
KOZHIKODE.

3. VELUTHEDATH UPPERAKUTTY,
S/O.APPUTTY, KUNNAMANGALAM AMSOM AND DESOM OF
KOZHIKODE TALUK.

4. VELUTHEDATH RADHA, S/O.LATE SREEDHARAN
@ KARAPPAN, NELLIKODE AMSOM AND DESOM,
KOZHIKODE TALUK.

R1 BY SC SRI. C.M. SURESH BABU
R2 BY ADV. SRI.P.P. THAJUDEEN, SC, KSEB
R3 AND R4 BY SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SRI.JAYKAR.K.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE DATED 20.11.2004 ISSUED BY TOWN PLANNING OFFICER OF MUNICIPALITY.

EXT.P2 TRUE COPY OF RECEIPT DATED 28.3.2005

EXT.P3 TRUE COPY OF AGREEMENT DATED 2.4.2005

EXT.P4 TRUE COPY OF DRAWING FOR ELECTRIC CONNECTION.

EXT.P5 TRUE COPY OF RELEVANT PAGE OF ELECTRICITY CONNECTION APPLICATION.

EXT.P6 TRUE COPY OF ORDER DATED 27.1.2006 PASSED BY TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

EXT.P7 TRUE COPY OF APPLICATION FOR REGULARISATION DATED 9.4.2006

EXT.P8 TRUE COPY OF NOTICE DATED 22.6.2006 ISSUED BY TOWN PLANNING OFFICE, KOZHIKODE CORPORATION.

EXT.P9 TRUE COPY OF MEDICAL CERTIFICATE DATED 3.5.2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 14665 OF 2007

Dated this the 9th day of August, 2007

JUDGMENT

Heard counsel for the petitioner, standing counsel appearing for the Calicut Corporation and standing counsel appearing for the KSEB. The prayer in the W.P. is for direction to the Calicut Corporation to allot house number to petitioner's building and for a further direction to KSEB to give electricity connection to petitioner's house. Even though there is dispute pertaining to the land and building between the petitioner and other claimants, it is conceded in court that under court orders petitioner is allowed to stay in the building involved and occupy the adjoining premises. If the petitioner is allowed to reside in the building, I see no reason why the Corporation should not number the building and Electricity Board declining electric connection. Counsel for the Calicut Corporation has stated that there is deviation in the approved plan in construction in as much as stair case is constructed outside the building as against internal stair case originally proposed under the plan. However, no other deviation is alleged in the construction. In any case, Corporation has no case that the construction of the building is illegal or in violation of Building Rules warranting

demolition by them. I am also constrained to observe that the approach of the Corporation is against it's own interest because if the building is not numbered, it cannot even collect tax payable by the petitioner. In the circumstances, W.P. is disposed of directing the Corporation to number the building and collect tax within ten days from the date of production of a copy of this judgment. The Ele. Board will consider and grant electric connection immediately thereafter. If drawal of line involves crossing of disputed property, petitioner can get orders from the civil court or even if title of the land belongs to other respondents, it is for the Ele. Board to get orders from the Addl. District Magistrate and give electric connection immediately thereafter. Petitioner will make application and comply with all formalities for giving electric connection. Since petitioner is a cancer patient, there will be direction to the Ele. Board to give temporary connection to the petitioner's building immediately subject to finalisation of objections of other respondents by Addl. Dist. Magistrate and until regular connection is given.

Issue photocopy tomorrow itself.

(C.N.RAMACHANDRAN NAIR)
Judge